

# Court of Appeals, State of Michigan

## ORDER

Ava Ennest v Martha Diane Carlson

Docket No. 356118

LC No. 19-000296-NH

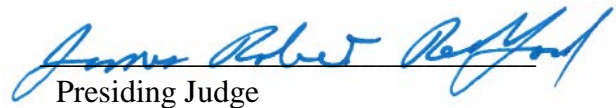
James Robert Redford  
Presiding Judge

David H. Sawyer

Jane M. Beckering  
Judges

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Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the January 4, 2021 order of the Washtenaw Circuit Court, which denied defendant-appellant's motion for summary disposition or, in the alternative, request for a *Daubert* hearing, is VACATED, and the matter is REMANDED to the circuit court for an evidentiary hearing and, following a determination of the reliability and admissibility of plaintiffs' scientific evidence, for RECONSIDERATION of defendant's motion for summary disposition. Although the trial judge's gatekeeping obligation to ensure that proposed scientific opinion is sufficiently reliable for jury consideration rests in the discretion of the trial court, the court may neither abandon this obligation nor perform the function inadequately. *Chapin v A & L Parts, Inc.*, 274 Mich App 122, 126; 732 NW2d 578 (2007). The circuit court clearly abandoned its gatekeeping obligation on the record presented. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.

  
Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 17, 2021

Date

  
Chief Clerk